

REMARKS

Rexamination and reconsideration of the rejections and objections are requested. Claims 1, 3-6, 8-13 and 15-20 are pending. The Examiner's March 24, 2004 Office Action withdraws the prior §112 and §103 rejections and has instituted a new §103 rejection based upon newly cited art viz the Warner reference. The new rejection has been made final. Applicant respectfully requests that the finality of the rejection is premature and should be withdrawn. MPEP § 706.07 states: "Before a final rejection is in order a clear issue should be developed between the examiner and applicant." It is submitted that progress has been made in seeking to define the invention. In this regard the Examiner indicated allowable subject matter in claims 3-4, 6, and 17-18 which were objected to as depending from rejected claims. In view of the Examiner's comments and suggestions claims 1 and 15 have been amended, as has claim 20. Claims 3 and 17 have been cancelled. In the March 24, 2004 Office Action, the Examiner noted that Claims 3 and 17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Upon entry of the amendment herein, Claim 1 has been rewritten to include all the limitations of allowable Claim 3, which was dependent therefrom. Applicants submit that Claim 1 is now in condition for allowance. Claim 3 is cancelled. Likewise, after amendment herein, Claim 15 includes all limitations of allowable Claim 17, which was dependent therefrom. Applicants submit that Claim 15 is now in allowable form. Claim 17 is cancelled.

Claim 20 has been amended to include all the limitations of Claim 3. Applicants submit that Claim 20 includes the limitations of rewritten Claim 1 (i.e., Claim 20 now includes the

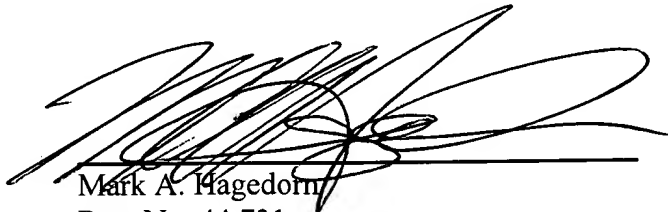
limitations of previous Claim 1 and Claim 3). The Examiner noted that Claim 3 was allowable if rewritten, thus Applicants submit amended Claim 20 includes at least the limitations of Claims 1 and 3, and is thus allowable. Apart from the amended independent claims 1, 15 and 20 which now contain language indicated as allowable by the examiner and which now is believed to be in a proper form for allowance, all other claims are dependent claims and are therefore believed to be allowable for the same reasons as the allowable parents and are also believed to be in proper form for allowance.

Conclusion

The Applicants have amended Claims 1, 15 and 20 to include the allowable subject matter indicated by the Examiner to expedite issuance. Applicants respectfully submit that the presently pending claims stand in condition for allowance and request that a timely Notice of Allowance be issued in this case. However if there are remaining issues to be resolved then the finality of the rejection is requested to be withdrawn inasmuch as considerable progress has been made. If there are minor claim language changes that the examiner believes are necessary then a telephone interview is requested.

September 24, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Hagedorn', is written over a horizontal line.

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